

INDIANA PUBLIC DEFENDER COMMISSION MEETING MINUTES

September 4, 2003

The meeting commenced at approximately 3:00 p.m. Present were: Chairman Norman Lefstein, Commission members Bettye Lou Jerrel, Sen. Timothy Lanane, Monica Foster, Rep. Ralph Foley, Rep. Greg Porter, Susan Carpenter, and Sen. Richard Bray. Also in attendance were Larry Landis of the Indiana Public Defender Council, and Neal Bowling, attorney with the Office of State Court Administration.

1. The Commission discussed whether any vote was taken on the issue of drafting a letter to Minutes from the June 4, 2003, meeting were reviewed and recommended for approval.
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3. Chairman Lefstein noted that Commissioner Rebecca McClure's term has expired, and requested that Neal Bowling confer with Lilia Judson, Executive Director of State Court Administration, about recommending that Chief Justice Randall Shepard reappoint her.
4. Chairman Lefstein proposed dates for the next two Commission meetings, for September 4, 2003, and December 4, 2003.
5. The claims for reimbursements from the various counties were addressed. It was agreed that there was no dispute as to the validity of the claims. The Commission voted to reimburse the counties for expenses in capital cases at the full rate of 50%.
6. The Commission then addressed the claims for reimbursement in noncapital cases. For the second quarter of 2003, these claims totaled \$1,848,345. However, the Public Defender Fund contained only \$1,261,597. The Fund was scheduled to receive its next allocation from the State of Indiana on July 1, 2003, in the amount of \$3,500,000. Tom Carusillo took the position that the noncapital claims currently before the Commission could not be paid from the amount to be deposited into the Fund on July 1, 2003, as that allocation was earmarked for reimbursement requests accumulated by the Commission during the second half of 2003. Mr. Carusillo asserted that the noncapital claims currently before the Commission should be paid on a prorated basis. Larry Landis took a different position, and argued that the statute governing reimbursement, I.C. 33-9-14-6, permitted the Commission to suspend all current noncapital claims, and pay them in full on July 1, 2003.

Judge Donahue then moved that all noncapital claims be suspended and paid then paid in full on July 1, 2003, when the Fund was to receive its next disbursement.

All Commissioners present, with the exception of Rebecca McClure, voted in the affirmative. Ms. McClure voted “no.”

7. It was agreed that, in December of 2003, it would probably be necessary to prorate noncapital claims. It was further agreed that the Commission should probably send out a letter to the counties participating in the Commission’s reimbursement program, advising them that such proration was likely to be necessary.
8. Next, the Commission took up the issue of Marion County’s struggle to achieve compliance with Commission standards with respect to its juvenile division. The Commission discussed Marion County Chief Public Defender Dave Cook’s June 2, 2003, letter to the Commission outlining his proposals for revising juvenile court standards.